THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16409 OF 2007

Between:

B.Anugna Reddy d/o Sudheer Reddy

…petitioner

vs.

The State of Andhra Pradesh, rep. By its Secretary, Higher Education Department, Hyderabad and others

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16409 OF 2007

ORAL ORDER

The writ petition is filed on an apprehension and prematurely. The relief sought in this writ petition is:

> "for an order of direction that the action of the respondents in not strictly following the order of priority prescribed by the 1st respondent in respect of the candidates under NCC category in admission into the Engineering colleges for the academic year 2007-08 and consequently direct the respondents to give priority to the petitioner among the students under NCC category for allotment of seats among 1% seats reserved for the NCC candidates and consequently direct the respondents to admit the petitioner is possessing the certificates of participation at Republic Day Parade at State level and also the certificates of B& A"

The petitioner claims to be a holder of "A" Certificate followed by a "B" certificate in the NCC. She also participated in the Republic Day Parade at the State level. She claims prioritized consideration in the NCC quota for an Engineering course having appeared for the EAMCET-2007, in the Engineering stream and secured a rank of 91615. Even before commencement of the counseling and consideration of her case for allotment of a seat in the NCC quota, the writ petition is filed.

For NCC candidates, for admission into Engineering 1% seats sare reserved according to the orders of the State Government in G.O.Ms.No.155, Higher Education (E.C.2) Department, dated.17-11-2000. As per the priority

spelt out in this order NCC cadets who have participated at the International Level for the Youth Exchange Programme are treated as priority No.1 including those who have “B” and “A” certificates. In Priority-II there are four categories of NCC cadets, participating at National level. In Priority II also the priority within the selected students in each category would be given in the order of seniority of certificates i.e., “B” and “A” certificates. Priority No.III sets out in descending order, participation at Republic Day Parade at State level; participation at Independence Day at State level; and “B” and “A” certificate holders. Here too priority within the selected students in each category will be in order of priority of certificates i.e., “B” and “A” certificates, attained prior to appearing in the qualified examination.

Apparently the petitioner could not comprehend the purport of the priorities spelt out in G.O.Ms.No.155 and this has occasioned the filing of the writ petition. Since the writ petition is filed even before the respondent had occasion to consider the qualification of the petitioner in terms of the NCC certification, for allotment of seat in Engineering, the writ petition must be considered to have been filed prematurely. There is also no ambiguity in the priorities fixed. Priority No.1 deals with International participation. Priority II deals with National level participation and Priority III with State level participation. At each of these levels “B” and “A” certificates are considered relevant. Since it is the apparent position that a “B” Certificate is higher than the “A” which is an initial level certificate, candidates possessing “B” certificate will be considered at a higher priority than candidates having an “A” level certificate. Para.5 of the counter filed by 4th respondent amply makes this clear i.e., that “B” certificate is superior to an “A” certificate.

Since there is neither ambiguity in the priorities determined for NCC

cadets in G.O.Ms.No.155 nor has there arisen a cause of action as on the date of the filing of the writ petition, the writ petition does not call for adjudication and is accordingly dismissed. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

22ND OCTOBER,2007
PVSN/TSNR